

In re:)
GRIGGS AND WALNUT GROUND)
WATER PLUME SUPERFUND SITE,)
Las Cruces, New Mexico)

DECLARATION OF JERRY SMITH

I, Jerry Smith, do hereby depose and say in accordance with 28 U.S.C. § 1746:

1. My address is 615 Kristin Dr., Las Cruces, New Mexico 88007. My cellular telephone number is 575-202-1913.
 2. I am presently retired.
 3. I began working with the New Mexico National Guard ("Guard") at the National Guard Armory located at 700 N. Solano in Las Cruces, Doña Ana County, New Mexico (the "Solano Armory") in approximately 1961. I attended United States Army artillery school in Aberdeen, Maryland in the mid to late 1960s, and received training on M42 Duster ("M42") maintenance from the United States Army at Fort Bliss in New Mexico and California. I initially worked in supply for approximately three to seven years, which involved receiving, accounting, locating and issuing the parts. I then worked in artillery for approximately eight years, as a mechanic for approximately fifteen years, and as a supervisor for approximately eight years.
 4. When I started at the Solano Armory in the early 1960s, the M42s had been at the facility for three or four months. We performed maintenance on between 100 and 200 M42s there.
 5. At the Solano Armory, I recall that we followed technical manuals from the United States Army for all maintenance and other work, including Department of the Army Lubrication Order LO 9-2350-202-12, Gun, Anti-Aircraft, Artillery, Self-Propelled: Twin
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40MM, M42 (2350-796-8000) and M42A1 (2350-049-4791), and Department of the Army Technical Manual 9-7218, Twin 40-MM Full Tracked Self-Propelled Gun M42 (T141).

6. When I worked in artillery at the Solano Armory, we cleaned the barrels of the guns and the “artillery” section, which is the turret on top of the vehicles. We generally cleaned the gun barrels in the shop, but sometimes conducted maintenance outside on: (1) the “apron,” a cement outdoor area; and (2) when the bays were full, the unpaved lot south of the armory.

7. The procedure for cleaning the gun bores involved laying barrels horizontally, dipping a brush into bore cleaning solvent, and running the brush from the muzzle to the breech of the gun. If we pulled the barrels out, we would lay them on the track, then start cleaning at the breech and work up to the muzzle. When we got the tube off, we would dip a brush into wash pans filled with solvent to ensure that the bore was clean. I do not recall the specification of the solvent that we used, but know that it would have been the product required in the governing manual – CR rifle bore cleaner – because we followed the manuals. The solvent came in five-gallon cans or 55-gallon barrels, which were stored at the armory site. When we finished working with the solvents in the tubs, we dumped the waste solvent from the tubs into 55-gallon drums, which were removed by supply workers when full. Solvents may have dripped and spilled onto the ground. I recall inspectors requiring us to dig up areas of soil where solvents had spilled. On Fridays, we would hose down the concrete area of the apron to remove lubricants and solvents that spilled onto the concrete.

8. Guard members who worked on the weekends would also clean their guns at the track park location, which was a parking area south of the armory buildings at the Solano Armory. These Guard members would bring their own solvents loaded on a trailer parked in the

yard, and may have deposited waste solvent in 55-gallon drums or other containers or onto the ground.

9. I also recall using solvents to clean the guns themselves – as opposed to the barrels. To clean the guns, we had to first disassemble them.

10. I recall that working with dry cleaning solvent turned my skin white, while bore cleaning solvent did not.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on the 10 day of June, 2009.


Jerry Smith